

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 ANDERSON,

No. C-04-04649 CW (EDL)

9 Plaintiff,

**ORDER GRANTING DEFENDANT'S
MOTION TO COMPEL**

10 v.

11 AMERICAN AIRLINES, INC. ET AL.,

12 Defendant.
13 _____/

14 On April 16, 2008, Defendant filed this motion to compel seeking documents responsive to
15 Defendant's January 28, 2008 Requests for Production of Documents. Plaintiff did not file an
16 opposition to this motion. Because this matter is appropriate for decision without oral argument, the
17 June 3, 2008 hearing is vacated.

18 On February 29, 2008, Plaintiff timely responded to Defendant's January 2008 Requests
19 for Production of Documents, promising to produce responsive documents. See Mot. to Compel Ex.
20 B. Not having received documents from Plaintiff's counsel, Defendant emailed Plaintiff's counsel
21 on March 3, 2008 asking for the documents by March 7, 2008 (see Mot. Ex. C), sent a letter on
22 March 21, 2008 requesting production by March 28, 2008 (see Mot. Ex. D) and left a voicemail
23 message on April 7, 2008 requesting production of documents by April 11, 2008 (see Champagne
24 Decl. ¶ 7). Plaintiff did not respond to any of these communications. Accordingly, Defendant filed
25 this motion to compel seeking documents responsive to requests 1, 4, 5, 8, 10, 11, 12, 14 and 16.

26 Subsequent to the filing of this motion, Defendant received some responsive documents
27 from Plaintiff. See Champagne Reply Decl. ¶ 2. According to Defendant's reply, however,
28 Defendant did not receive any documents responsive to requests 4, 5, 10, 11, 12 and 14. On April
18, 2008, Defendant sent a letter informing Plaintiff of the failure to produce documents. See

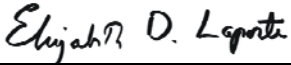
1 Champagne Reply Decl. Ex. A. On April 21, 2008, Plaintiff promised that responsive documents
2 would be provided. See Champagne Reply Decl. ¶ 4. According to Defendant, as of the date of the
3 reply, May 14, 2008, no further documents had been produced. See id. ¶ 5.

4 In her original responses to Defendant's Requests for Production, Plaintiff did not make
5 any objections to numbers 4, 5, 11, 12 and 14, and objected solely based on privilege to number 10.
6 See Mot. Ex. B. Moreover, Plaintiff has promised that documents would be produced, has not
7 responded to Defendant's efforts to communicate regarding production and has not opposed this
8 motion to compel to provide any reason why the documents should not be produced. Accordingly,
9 Defendant's motion is granted. Plaintiff shall produce documents responsive to request numbers 4,
10 5, 10 (except for genuinely privileged documents, if any), 11, 12 and 14, along with a privilege log if
11 necessary, no later than May 30, 2008.

12 Defendant's request for fees is denied because it was not filed in a separate motion. See
13 Civil L.R. 37-3.

14 **IT IS SO ORDERED.**

15 Dated: May 21, 2008



ELIZABETH D. LAPORTE
United States Magistrate Judge